

CITY OF HORSESHOE BAY

ORDINANCE NO. ORD 07-12-11F

SIENA CREEK ZONING REVISION ORDINANCE

AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS, AMENDING ZONING ORDINANCE 07-09-18E TO REVISE ZONING REGULATIONS APPLICABLE TO SIENA CREEK; PROVIDING FOR FINDINGS OF FACT; COMPREHENSIVE ZONING CHANGES FOR ZONE 10, SIENA CREEK; EFFECTIVE DATE; REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING

WHEREAS, the City Council of the City of Horseshoe Bay (“City Council”) seeks to provide for the health, safety, and welfare of those living in, working in, and visiting the City; and

WHEREAS, the City Council finds that the public will be well-served by the enactment of new rules and regulations that govern the size of lots; height, number of stories, and size of buildings and other structures; use of real property; percentage of a lot that may be occupied; size of yards, courts and other open spaces; population density; location of buildings and other structures; land available for business, industrial, and residential uses or other purposes; and landscaping; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to regulate: (1) the height, number of stories, and size of buildings and other structures; (2) the percentage of a lot that may be occupied; (3) the size of yards, courts, and other open spaces; (4) population density; (5) the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; (6) the pumping, extraction, and use of groundwater by persons other than retail public utilities for the purpose of preventing the use or contact with groundwater that presents an actual or potential threat to human health; (7) construction, reconstruction, alteration, or razing of buildings and other structures in the case of designated places and areas of historical, cultural, or architectural importance and significance; and (8) the bulk of buildings; and

WHEREAS, the City of Horseshoe Bay contains established subdivisions with established declarations of reservations, restrictive covenants, and deed restrictions that the City Council believes should be preserved and continued to the maximum extent possible under the authority of this Zoning Ordinance; and

WHEREAS, by Ordinance No. 07-09-18E, the City Council revised already existing zoning regulations for all subdivisions of the City; and

WHEREAS, administration and implementation of Ordinance No. 07-09-18E has resulted in the identification of various matters in that Ordinance that should be amended, repealed, or otherwise modified regarding Siena Creek;

WHEREAS, the City Council is of the opinion that the amendments contained in this Ordinance will be in the best interests of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. SIENA CREEK ZONING AMENDMENT

Article 3.12 of Ordinance 07-09-18E is hereby deleted in its entirety and replaced with the following duly enacted zoning regulations:

* * *

3.12 Zone 10 Siena Creek

3.12.1. The following provisions shall be applicable to all land within Zone 10 regardless of classification:

- (a) **Electrical Power:** No source of electrical energy will be brought to any lot or used upon any lot unless and until the City has issued a building permit for the erection of the permanent improvements to be located on said lot.
- (b) **Occupancy of Structures:** No structure shall be occupied or used for the purpose for which it is designed or built or for any other purpose until a Certificate of Occupancy is issued by the Development Services Department.
- (c) **Building Height:** The maximum height limit established is thirty-six (36) feet to the ridge point of the roof, sufficient for a two-story building with a pitched roof. An architectural feature such as a tower can exceed the height restrictions. Maximum building heights shall be measured vertically above the average existing natural terrain prior to grading.

- (d) **Roof Design:** There shall be no large, unbroken, single-pitched roof planes. Pitched roofs may be gabled, shed, hipped or tie in to building masses and may be a maximum of 8 in 12 and a minimum of 4 in 12. Flat roofs are not permitted. Mansard roofs are not permitted. Allowable roof materials include clay tile, slate, concrete tile and metal. The roof area of all two-story homes must include single-story elements. On both one and two-story residences, the roof profile should be richly varied with individual masses and asymmetrical design. The use of deep, heavy fascias is encouraged.
- (e) **Doors and Windows:** All windows and exterior doors shall be of wood, steel, vinyl or aluminum construction. Glass may be coated or tinted to control solar heat gain, but reflective mirrored appearance shall not be allowed. Skylights shall have a low profile above the roof plane. The frames of skylights must be the same color as the roof.
- (f) **Decks:** Decks that extend off the upper levels above grade should be designed as an integral element of the building and not an appendage. Columns supporting such elements must be over-scaled and include the use of stone or brick. Wood columns may be used as an integral element but must be a minimum of an 8"x 8" member or a combination of four (4) 4" x 4"s.
- (g) **Fireplaces and Chimneys:** Fireplace masses should be integrated with and blend well with the materials and character of the home and must always be faced with stone, brick or stucco. In no case will exposed metal flues be allowed.
- (h) **Accessory Structures:** Accessory structures must be designed as integral elements of and be complementary to the main structure. Materials, colors and finishes must be similar on all such structures, and visually related by way of connecting walls, pergolas, terraces, or other landscape treatments. Accessory structures must meet all setback and easement requirements. Pre-fabricated storage buildings shall not be allowed within any designation.
- (i) **Sports and Tennis Courts:** Private sports and tennis courts are prohibited.
- (j) **Swimming Pools and Spas:** Private swimming pools and spas, if any, should be designed as being visually connected to the residence through the use of walls or courtyards and must be positioned with consideration for visual and noise impact with respect to adjacent lots, and public spaces. The pool equipment areas must be screened from view from all surrounding properties. The pool equipment screen must be opaque. Screening with evergreen plant material must be large enough at time of planting to form a solid hedge; architectural screening must be of material

and color that is complementary to the house. Enclosure fencing for pools and spas must meet all applicable building and safety codes. Exposed pool foundations, pool skirting or patio foundation must be constructed of the same masonry material as the residence constructed. Above ground pools are prohibited.

3.12.2. The following uses and regulations will apply to all land within Zone 10 and classified as R-1 Single-Family Residential:

- (a) Uses Permitted:
 - (1) Single-family dwelling;
 - (2) Accessory structures necessary to such use located on the same lot.
- (b) Minimum Setback Distances: Minimum Setback Distances from lot property lines are as follows:
 - (1) Front (applicable to all lot boundaries that abut rights-of-way) 30'
 - (2) Side (applicable to all lot boundaries that abut rights-of-way) 15'
 - (3) Side (Total of 15' with minimum one side of 5') 15'
 - (4) Rear (the greater distance of 15 feet from property line or the 60 foot LCRA water quality easement).
 - (5) When the side setbacks intersect with the front or rear setbacks, the restrictions associated with both types of setbacks apply.
- (c) Slab Elevation: All improvement foundations shall be set at the minimum elevation as shown on the recorded plat.
- (d) Impervious Cover: The maximum lot coverage of impervious cover is sixty percent (60%).
- (e) Minimum Dwelling Unit Size: The minimum square footage permissible for any dwelling shall be three thousand (3,000) square feet of heated/air-conditioned space.
- (f) Maximum Area of Dwelling: Notwithstanding uses otherwise permitted herein, no more than fifty percent (50%) of the total lot area will be used for the dwelling and other structures.
- (g) Driveways: Each lot shall be accessed by only one driveway. Access drives must be located to preserve and protect important natural features, such as large or significant plant materials, trees, drainage ways, and rock outcroppings. The driveway must be designed to allow for two uncovered parking spaces. The spaces shall be a minimum of thirty (30') feet from the front lot line and shall include substantial landscaping to screen the guest parking area from the street or neighboring property. The paved surface of a driveway shall be a maximum of fourteen (14') feet wide except for the turn-around near the garage. The driveway shall intersect

the street at a right angle. Driveway paving should have flared aprons where it intersects the roadway pavement. Flared sections at the road may not exceed an 8-foot wide radius. Where possible, a driveway should be flush with the finished grade. Driveway surfaces shall be a minimum of 4" thick concrete. Driveways shall be located where the least amount of cut or fill is required. Driveway material may be of natural gray concrete, integrally colored concrete, exposed aggregate concrete, pattern stamped concrete or natural materials such as stone or brick.

- (h) **Garages and Garage Doors:** Garage doors shall not face the street. For lots 1 thru 6, no garage door may face the rear lot line. All lots shall provide for at least one (1) two-car garage of not less than four hundred (400) square feet per dwelling unit. In all cases garages should be attached to the main residence at a minimum with an arbor or breezeway element. Garages will not be allowed to orient directly to the street and should be setback. No more than two (2) garage stalls will be allowed directly adjacent to each other. No more than three (3) doors will be permitted in an elevation. A maximum of four (4) stalls will be allowed.
- (i) **Additional Restrictions on Accessory Structures:** All accessory structures necessary to such primary use may occupy not more than fifty (50) percent of a required rear yard and may not be more than fifteen (15) feet in height. No accessory structure will be erected closer than fifteen (15) feet to the line of an abutting lot and no such building will occupy any portion of a required front or side yard.

3.12.3. The following uses and regulations will apply to all land within Zone 10 and classified as R-4 Multi-Family Residential:

- (a) **Uses Permitted:**
 - (1) Multi-family dwelling units, attached or detached;
 - (2) Accessory structures necessary to such use located on the same lot.
- (b) **Minimum Setback Distances:** Minimum Setback Distances from perimeter property lines are as follows:
 - (1) Front 20 ft (unless otherwise specified by plat)
 - (2) Side 10 ft (unless otherwise specified by plat)
 - (3) Rear 20 ft (unless otherwise specified by plat)
- (c) **Slab Elevation:** All improvement foundations shall be set at the minimum elevation as shown on the recorded plat.
- (d) **Impervious Cover:** The maximum lot coverage of impervious cover is (60%).

- (e) **Minimum Dwelling Unit Size:** The minimum square footage permissible for any dwelling shall be fifteen hundred (1,500) square feet of heated/air-conditioned space.
- (f) **Driveways:** The driveway for each unit must be designed to allow for two uncovered parking spaces. The paved surface of a driveway shall be a minimum of twenty-two (22') feet wide and eighteen (18') feet deep extending from the garage door to the intersection of a common street or drive providing access to that unit. Outside of the required parking spaces, a common driveway may be used to access a maximum of 6 units. The driveway shall intersect the street at a right angle. Driveway paving should have flared aprons where it intersects the roadway and/or common drive pavement. Drives must be located to preserve and protect important natural features, such as large or significant plant materials, trees, drainage ways, and rock outcroppings. Where possible, a driveway should be flush with the finished grade. Driveway surfaces shall be a minimum of 4" thick concrete. Driveways shall be located where the least amount of cut or fill is required. Driveway material may be of natural gray concrete, integrally colored concrete, exposed aggregate concrete, pattern stamped concrete or natural materials such as such stone or brick.
- (g) **Garages and Garage Doors:** All lots shall provide for at least one (1) two-car garage of not less than four hundred (400) square feet per dwelling unit. In all cases garages should be attached to the main residence at a minimum with an arbor or breezeway element. Only single width garage doors are permitted.
- (h) **Additional Restrictions on Accessory Structures:** Accessory structures within the R-4 designation shall be limited to outdoor kitchens, shade structures and spas, all of which must be placed in a private rear yard designated as limited common element in the Condominium Regime as may be modified.
- (i) **Additional Restrictions on Pools:** Private pools within the R-4 Multi-Family Residential designation shall be limited and shall be subject to being placed in a private rear yard designated as Limited Common Element in the Condominium Regime as may be modified.

3.12.4. The following uses and regulations will apply to all land within Zone 10 and classified as A-1 Recreational:

- (a) This classification is intended to establish and preserve attractive recreational facilities including golf course, driving ranges, natural or artificial hazards for the game of golf, tennis court, and other recreational facilities, and to protect the integrity of such areas by prohibiting the intermixture of uses that are incompatible with the game of golf and other

recreational uses. The site should also contain adequate space for required off-street parking and for buffering from residential classifications.

- (b) Uses Permitted:
 - (1) Tennis courts, related facilities or clubhouses;
 - (2) Swimming pools, related facilities or clubhouses;
 - (3) Property owner's association facilities and meeting facilities;
 - (4) Parks;
 - (5) Accessory structures and uses incidental to the foregoing.
- (c) Minimum Lot Dimensions:
 - (1) Area (minimum) subject to approval
 - (2) Depth (minimum) subject to approval
 - (3) Width (minimum) subject to approval
 - (4) Lot coverage (percentage) subject to approval
- (d) Minimum Building Setbacks
 - (1) Streets: 20'
 - (2) Side: 10' from any structure of residential classification.
 - (3) Rear: 25'

3.12.5 The following provisions shall be applicable to all land within Zone 10 classified as C-2 General Commercial:

- (a) Uses Permitted:
 - (1) Retail or wholesale stores or businesses not involving any kind of manufacture, processing, or treatment of products other than that which is clearly incidental to the retail or wholesale business conducted on the premises and which is compatible with the uses permitted below;
 - (2) Automobile parking areas;
 - (3) Public agency facilities and structures;
 - (4) Restaurants, tea rooms and cafes, including those offering on and off premises sale of alcoholic beverages, where the law provides;
 - (5) Theaters and auditoriums (except for drive-in theaters);
 - (6) Hotels, motels, or commercial lodging facilities (including, but not limited to, any time-share programs);
 - (7) Assisted living facilities;
 - (8) Office, professional and general businesses;
 - (9) Medical facilities;
 - (10) Health clubs, health spas, exercise/fitness centers;
 - (11) Clubhouses, golf and tennis pro shops and attendant facilities, located in and surrounded by R-1 classifications, and principally serving club members, their guests and Resort guests;
 - (12) Accessory structures to be located on the same lot as may be reasonably necessary and appropriate.

- (b) The following provisions shall be applicable to all land within Zone 10 classified as C-2 General Commercial and less than one-half acre:
 - (1) Maximum Building Height: The maximum building height shall be thirty-five (35) feet above the highest natural contour of the applicable lot.
 - (2) Maximum Area of Building: Building area shall not exceed sixty percent (60%) of the area of the lot.
 - (3) Exterior Walls: All buildings or structures shall have at least fifty percent (50%) masonry covering on all exterior walls. The exterior portion of all walls that are not masonry shall be painted or stained immediately upon completion or shall have color mixed in the final structural application, excepting acceptable woods that are commonly used without such finishes, so that all such materials shall have a finished appearance. No plywood, pressboard, particle board, or similar type of material shall be used on any exterior wall or any structure.
 - (4) Area of Building: Notwithstanding uses permitted herein, the ground floor of a building or structure shall not exceed five thousand (5,000) square feet or be less than four thousand (4,000) square feet.

- (c) The following provisions shall be applicable to all land within Zone 10 classified as C-2 General Commercial and more than one-half acre:
 - (1) Maximum Building Height: The maximum building height shall be thirty-five (35) feet above the highest natural contour of the applicable Lot, except clubhouses that shall be limited to thirty-two (32) feet.
 - (2) Area of Building: Notwithstanding uses permitted herein, the ground floor of a building or structure shall not exceed six thousand (6,000) square feet or be less than four thousand (4,000) square feet, except clubhouses which shall not exceed thirty thousand (30,000) square feet maximum. Building area shall not exceed sixty percent (60%) of the area of the lot.
 - (3) Exterior Walls: All buildings or structures shall have one hundred percent (100%) masonry covering all exterior walls, excluding doors and windows, except clubhouses which shall have exterior walls of at least fifty percent (50%) masonry covering. The exterior portion of all walls that are not masonry shall be painted or stained immediately upon completion or shall have color mixed in the final structural application, excepting acceptable woods that are commonly used without such finishes, so that all such materials shall have a finished appearance. No plywood, pressboard, particle board, or similar type of material shall be used on any exterior wall or any structure.
 - (4) Landscaping: Provision of a landscape barrier between parking

and main access, except for access driveways. All parking lots must be landscaped.

- (5) Spacing: Commercial structures, excluding accessory structures, shall be spaced a minimum of thirty (30) feet apart.
 - (6) Roof Construction: All roofs on buildings and structures on any Lot shall be clay or concrete tile, or standing seam metal with no visible screws or fasteners, and shall be properly installed on a suitable slope.
 - (7) Parking Minimums: A minimum of one (1) parking space per two hundred fifty (250) feet of net rentable space is required.
 - (8) Comply with all City building and construction ordinances and regulations
- (d) For property and projects with unique development needs, the City encourages use of Planned Development Zones.

3.12.6. The following provisions shall be applicable to all land within Zones 10 classified as GUI Governmental, Utility or Institutional:

- (a) This classification is intended to establish appropriate areas for uses that provide important community services, buffering from any adjacent residential classifications and necessary, adequate off-street parking.
- (b) Uses Permitted:
 - (1) Facilities owned and/or operated by the federal, state or local government or political subdivisions thereof (e.g. municipal water districts, water districts, etc.);
 - (2) Schools, either public or private non-profit;
 - (3) Churches;
 - (4) Uses required by both public and private utilities;
 - (5) Accessory uses incidental to any of the foregoing permitted uses.
- (c) Minimum Lot Dimensions:
 - (1) Area: Subject to approval
 - (2) Depth: Subject to approval
 - (3) Width: Subject to approval
 - (4) Lot coverage (maximum percentage): Subject to approval.
- (d) Minimum Building Setbacks:
 - (1) Streets: 25'
 - (2) Side: 10'*
 - (3) Rear: 10'*

*A minimum of ten (10) feet except a minimum of twenty-five (25) feet for any side or rear yard that adjoins residential classifications.

III. EFFECTIVE DATE

IV. REPEALER

V. SEVERABILITY

VI. PROPER NOTICE AND MEETING

CITY OF HORSESHOE BAY, TEXAS

Robert W. Lambert, Mayor

Toni Vanderburg, City Secretary